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520.41122X00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: KAKIZAKI et al

Serial No.: 10/058,781

Filed: January 30, 2002

For: Optical Switching Apparatus With Optical Reflection
Monitor And Reflection Monitoring System

Art Unit: 2633

Examiner: D. Kim

RESPONSE

Mail Stop: Response (No Fee)
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

January 13, 2006

Sir:

The following remarks are respectfully submitted in connection with the above-identified application, in response to the Office Action dated December 13, 2005.

The restriction requirement, as set forth in the office action dated December 13, 2005, requiring restriction to one of the following inventions identified as Invention I - claims 1 - 6, 11 - 17 and 21, drawn to an optical switching system and methods of operating this system, and Invention II - claims 7 - 10 and 18 - 20, drawn to a reflected light measuring system and methods of operating this system, is traversed, and reconsideration and reconsideration and withdrawal of the restriction requirement are respectfully requested.

The Examiner contends that Invention I and II are related as subcombination and combination, respectively, and the Examiner refers to the requirements of MPEP

§806.05(c) for showing distinctness. However, applicants submit that contrary to the position set forth by the Examiner, features of Invention I, referred to by the Examiner as the subcombination, are recited in the features of Invention II, referred to by the Examiner as the combination, such that applicants submit that the optical reflection monitors of claim 1 of Invention I, for example, are required by the features of the claims of Invention II.


In order to provide a complete response to the restriction requirement, applicants provisionally elect, with traverse, Invention I including claims 1 - 6, 11 - 17 and 21, as identified by the Examiner.

For the foregoing reasons, withdrawal of the restriction requirement and favorable action with respect to all claims present in this application are respectfully requested.

To the extent necessary, applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in the fees due in connection with the filing of this paper, including extension of time fees, to the deposit account of Antonelli, Terry, Stout & Kraus, LLP, Deposit Account No. 01-2135 (Case: 520.41122X00), and please credit any excess fees to such deposit account.

Respectfully submitted,

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